

United States District Court  
for  
Middle District of Tennessee

**Petition to Modify the Condition or Term of Supervision**  
*(Probation Form 49 Waiver of Hearing on the Modification is attached)*

Name of Offender: Jacob David Lautt

Case Number: 3:10-00107-01

Name of Sentencing Judicial Officer: Honorable Roger T. Benitez, U.S. District Judge, SDCA

Name of Current Judicial Officer: Honorable Aleta A. Trauger, U.S. District Judge

Date of Original Sentence: March 2, 2009

Original Offense: 21 U.S.C. § 952 and 960, Importation of Marijuana; and 18 U.S.C. § 2, Aiding and Abetting

Original Sentence: 33 months' custody and 5 years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: August 14, 2009

Assistant U.S. Attorney: To be determined

Defense Attorney: To be determined

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**PETITIONING THE COURT**

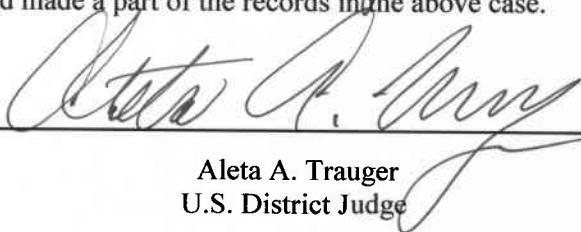
- To modify the release conditions as follows:

The defendant shall abstain from the use of alcohol and/or all intoxicants during the term of his supervised release.

THE COURT ORDERS:

- No Action
- The extension of supervision as noted above.
- The modification(s) as noted above.
- Other

Considered this 26<sup>th</sup> day of April, 2013,  
and made a part of the records in the above case.

  
Aleta A. Trauger  
U.S. District Judge

I declare under penalty of perjury that  
the foregoing is true and correct.  
Respectfully submitted,



Amanda M. Russell  
U.S. Probation Officer

Place Cookeville, Tennessee

Date April 26, 2013

## ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

### Violation No. Nature of Noncompliance

1.

#### **The defendant shall not commit another federal, state, or local crime.**

On April 15, 2013, Mr. Lautt was arrested by the Tennessee Highway Patrol in Monterey, Tennessee, and charged with Driving Under the Influence- 2<sup>nd</sup> offense, Driving on Suspended/Revoked License, Failure to Exercise Due Care, and No Proof of Insurance. These are misdemeanor charges and the arrest affidavits are attached for Your Honor's review. Mr. Lautt has been released on bond and is due in the Putnam County General Sessions Court on May 17, 2013.

According to the reports, Mr. Lautt was involved in a motor vehicle accident in the late evening of April 14, 2013. A Tennessee Highway Patrol officer was dispatched to Hanging Limb Highway in reference to a one-vehicle crash. The officer arrived, identified Mr. Lautt as the driver, and observed him to have red, watery eyes and an odor about him associated with an alcoholic beverage. Mr. Lautt was asked to perform six field sobriety tasks, which he failed to successfully complete. Mr. Lautt was advised of the implied consent law and he agreed to submit to a chemical test to determine the amount of alcohol and/or drugs in his system. A records check of Mr. Lautt's driver's license revealed that his license was revoked for Driving Under the Influence in Wilson County on May 29, 2004.

On April 16, 2013, Mr. Lautt contacted the probation officer to notify her of his law enforcement contact and arrest. Mr. Lautt reported that he began drinking beer at approximately 7:00p.m. April 14, 2013. Sometime around 11:30p.m., he decided to go to a local market and get a cheeseburger and drove his wife's Jeep Cherokee. Mr. Lautt reported that he ran off the road into a ditch while reaching over to get something in the vehicle. He called a tow company to pull the Jeep out of the ditch and then decided to call the sheriff's department in Putnam County to report a single car wreck with no injuries. Mr. Lautt reported he did not want a deputy to drive by and think someone was hurt in the wreck, as he had suffered no injuries. He reported the Putnam County Sheriff's Department sent out the Tennessee Highway Patrol since the wreck occurred on a state highway. When the officer arrived, he smelled alcohol on Mr. Lautt, asked him to perform field sobriety tests, and was told he failed the Breathalyzer test. Mr. Lautt did agree to submit to a blood alcohol test.

On April 17, 2013, Mr. Lautt met with the probation officer as instructed. He admitted that he drank a six-pack the evening of April 14, 2013, and just wanted to go down the road to get something to eat. Mr. Lautt reported that he drinks a six-pack of beer two to three times per week and his alcohol consumption was occasional but has developed into excessive. Mr. Lautt agreed that he needed substance abuse treatment and would comply with any recommendations from the treatment provider and probation officer.

### **Compliance with Supervision Conditions and Prior Interventions:**

Jacob Lautt began his term of supervised release on August 14, 2009, and is due to expire on August 13, 2013. He currently resides with his wife and children in Monterey, Tennessee, and is employed by Stonepeak Ceramics in Crossville.

The probation officer verbally reprimanded Mr. Lautt for violating his conditions of supervised release and warned him of the ramifications of his actions. He was specifically instructed to not commit another local, state, or federal crime, and to abstain from the use of alcohol. Mr. Lautt was referred to Plateau Mental

Health Center in Cookeville, Tennessee, in August 2009, for a substance abuse assessment. He participated in recommended outpatient treatment and was successfully discharged in June 2010. Mr. Lautt has been referred back to Plateau Mental Health Center for outpatient substance abuse treatment.

On April 17, 2013, a waiver of hearing form to modify the conditions of his supervised release was thoroughly explained to Mr. Lautt and he stated he understood his rights to representation by counsel and to a hearing. Mr. Lautt voluntarily signed the waiver to modify the conditions of his supervised release.

**U.S. Probation Officer Recommendation:**

It is recommended that Mr. Lautt's special conditions be modified as indicated in the petition. The U.S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's recommendation for modification of the release conditions.

Approved: BS

Britton Shelton  
Supervisory U.S. Probation Officer

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT**  
for the  
**MIDDLE DISTRICT OF TENNESSEE**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of his supervised release.

Witness:   
Amanda M. Russell  
U.S. Probation Officer

Signed:   
Jacob David Lautt  
Probationer or Supervised Releasee

April 17, 2013  
Date

**AFFIDAVIT OF COMPLAINT****IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY**

Defendant(s) (Name and Address)	DOB: <u>06/01/1979</u>
STATE OF TENNESSEE VS. <b>Jacob David Lautt</b>	SS#: <u>563597065</u>
<b>160 Berry Field Rd</b>	DL#: <u>083778041</u>
<b>Monterey, TN 38514</b>	DL ST: <u>TN</u>

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-50-504, which is Suspended Or Revoked Drivers License, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lautt Has committed the offense of driving on suspended revoked license by being in control of a motor vehicle while drivers license was suspended or revoked. Affiant was investigating a one vehicle traffic crash on Hanging Limb highway and found defendant to be the driver. A records check of defendants driver license revealed that the defendant's license was revoked for Driving Under The Influence in Wilson County on 5/29/2004. said offense occurred in putnam county, Tennessee.

Affiants - Name Address, Telephone#

Al Seitner  
 Tennessee Highway Patrol  
 Telephone #: 931-528-8496

Affiant Signature: RCP

Sworn to and subscribed before me this: 04/15/2013

Tom Derricks

J.C. Name

Tom Derricks  
 Judicial Commissioner

**STATE OF TENNESSEE ARREST WARRANT**

Prosecutor notified:

Date:

By Officer:

**IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY**

STATE OF TENNESSEE VS. **JACOB DAVID LAUTT**

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-50-504 - Suspended Or Revoked Drivers License has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT thereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013

Tom Derricks  
 Judge - Judicial Commissioner

Reason:

## AFFIDAVIT OF COMPLAINT

## IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

Defendant(s) (Name and Address)

STATE OF TENNESSEE VS. **Jacob David Lautt**  
**160 Berry Field Rd**  
**Monterey, TN 38514**

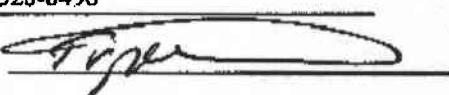
DOB: 06/01/1979SS#: 563597065DL#: 083778041DL ST: TN

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-10-401, which is Driving Under The Influence, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lautt Committed the offense of driving under the influence by being in control of a motor vehicle while under the influence of some intoxicating beverage and or any intoxicant, marijuana, controlled substance, drug substance affecting the central nervous system or combination thereof that impairs the drivers ability to safely operate a motor vehicle. Affiant was dispatched to Hanging Limb Highway in reference to a one vehicle traffic crash. The affiant arrived and identified the defendant as the driver. The affiant observed that the defendant had red watery eyes and an odor about the defendant that the affiant associated with an alcoholic beverage. The defendant was asked to perform six field sobriety tasks and failed to successfully complete all of the tasks. The defendant was also advised of the implied consent law and agreed to submit to a chemical test to determine the amount of alcohol and or drugs in the defendant's system. Said offense occurred in Putnam County, Tennessee.

DUI in Wilson county on 5/29/2004

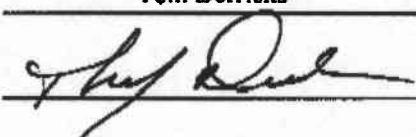
Affiants - Name Address, Telephone#

Al SeitnerTennessee Highway PatrolTelephone #: 931-528-8496Affiant Signature: 

Sworn to and subscribed before me this: 04/15/2013

Tom Derricks

J.C. Name



Judicial Commissioner

## STATE OF TENNESSEE ARREST WARRANT

Prosecutor notified:

Date:

By Officer:

## IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

STATE OF TENNESSEE VS. **JACOB DAVID LAUTT**

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-10-401 - Driving Under The Influence has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT hereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013  
Judge - Judicial Commissioner

Reason: 7 - THE PERSON ARRESTED IS SO INTOXICATED THAT THE PERSON COULD BE A DANGER TO THE PERSONS OWN SELF OR TO OTHERS.

THE NUMBER OF VIOLATIONS THIS CITATION: 2 MOVING + 2 NON-MOVING = 2 TOTAL (MAX. 5)

156469U

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES:

ON	Mon	THE	15	DAY OF	April	2013	TIME	0045	AM	W	TN	YES	X	
VIOLATOR	NAME						LAST			SEX	RACE	RES	NO	
	Jacob David Lautt											MONTH	D.O.B. DAY	YEAR
												6	1	1979
ADDRESS	160 Berry Aroid Ln Field Rd.						CITY	Monterey		STATE	TN	ZIP CODE	38574	
SOCIAL SECURITY NUMBER	083778041						DL CLASS	CDL	Y	STATE	MONTH	EXPIRATION DATE	DAY	YEAR
							ID	X	TN	6	1	2014		

VEHICLE	Motorcycle	CRASH OCCURRED:	Y	MAKE	Jeep	MODEL	LRO	YEAR	1999	COLOR	White
		LICENSE PLATE NO.	3047MT		STATE	TN	EXP. YEAR	3/2014			
Automobile	X	Was this vehicle registered to driver?	Y	IF NO, THEN:	Patricia Sharp		BUSINESS ADDRESS	Cookeville TN.			
CMV		OTHER VEH. INVOLVED?	Y	DESIGNED TO TRANSPORT	Y	If CMV,	Under 26,000 Lbs.		Hazmat	Y	U.S. D.O.T. NO.
			N	16 OR MORE PASSENGERS	N		Over 26,000 Lbs.			N	
Other		If Other, What Type:									

LOC	UPON STREET/HWY	MM	CITY/COUNTY	DIRECTION	2-LANE	4-LANE	5-LANE	IBUS	1
	Hanging Limb Rd/CR164		Putnam	WEST	1	2	3	RESIDENTIAL	2
				SOUTH	4-L	5	6	NON-RESIDENTIAL	3
				WEST	7	8	9	INDUSTRIAL	4
				SOUTH	10	11	12	COMMERCIAL	5
				WEST	13	14	15	RESIDENTIAL	6
				SOUTH	16	17	18	NON-RESIDENTIAL	7
				WEST	19	20	21	INDUSTRIAL	8
				SOUTH	22	23	24	COMMERCIAL	9
				WEST	25	26	27	RESIDENTIAL	10
				SOUTH	28	29	30	NON-RESIDENTIAL	11
				WEST	31	32	33	INDUSTRIAL	12
				SOUTH	34	35	36	COMMERCIAL	13
				WEST	37	38	39	RESIDENTIAL	14
				SOUTH	40	41	42	NON-RESIDENTIAL	15
				WEST	43	44	45	INDUSTRIAL	16
				SOUTH	46	47	48	COMMERCIAL	17
				WEST	49	50	51	RESIDENTIAL	18
				SOUTH	52	53	54	NON-RESIDENTIAL	19
				WEST	55	56	57	INDUSTRIAL	20
				SOUTH	58	59	60	COMMERCIAL	21
				WEST	61	62	63	RESIDENTIAL	22
				SOUTH	64	65	66	NON-RESIDENTIAL	23
				WEST	67	68	69	INDUSTRIAL	24
				SOUTH	70	71	72	COMMERCIAL	25
				WEST	73	74	75	RESIDENTIAL	26
				SOUTH	76	77	78	NON-RESIDENTIAL	27
				WEST	80	81	82	INDUSTRIAL	28
				SOUTH	83	84	85	COMMERCIAL	29
				WEST	86	87	88	RESIDENTIAL	30
				SOUTH	90	91	92	NON-RESIDENTIAL	31
				WEST	93	94	95	INDUSTRIAL	32
				SOUTH	96	97	98	COMMERCIAL	33
				WEST	100	101	102	RESIDENTIAL	34
				SOUTH	104	105	106	NON-RESIDENTIAL	35
				WEST	108	109	110	INDUSTRIAL	36
				SOUTH	112	113	114	COMMERCIAL	37
				WEST	116	117	118	RESIDENTIAL	38
				SOUTH	120	121	122	NON-RESIDENTIAL	39
				WEST	124	125	126	INDUSTRIAL	40
				SOUTH	128	129	130	COMMERCIAL	41
				WEST	132	133	134	RESIDENTIAL	42
				SOUTH	136	137	138	NON-RESIDENTIAL	43
				WEST	140	141	142	INDUSTRIAL	44
				SOUTH	144	145	146	COMMERCIAL	45
				WEST	148	149	150	RESIDENTIAL	46
				SOUTH	152	153	154	NON-RESIDENTIAL	47
				WEST	156	157	158	INDUSTRIAL	48
				SOUTH	160	161	162	COMMERCIAL	49
				WEST	164	165	166	RESIDENTIAL	50
				SOUTH	168	169	170	NON-RESIDENTIAL	51
				WEST	172	173	174	INDUSTRIAL	52
				SOUTH	176	177	178	COMMERCIAL	53
				WEST	180	181	182	RESIDENTIAL	54
				SOUTH	184	185	186	NON-RESIDENTIAL	55
				WEST	188	189	190	INDUSTRIAL	56
				SOUTH	192	193	194	COMMERCIAL	57
				WEST	196	197	198	RESIDENTIAL	58
				SOUTH	200	201	202	NON-RESIDENTIAL	59
				WEST	204	205	206	INDUSTRIAL	60
				SOUTH	208	209	210	COMMERCIAL	61
				WEST	212	213	214	RESIDENTIAL	62
				SOUTH	216	217	218	NON-RESIDENTIAL	63
				WEST	220	221	222	INDUSTRIAL	64
				SOUTH	224	225	226	COMMERCIAL	65
				WEST	228	229	230	RESIDENTIAL	66
				SOUTH	232	233	234	NON-RESIDENTIAL	67
				WEST	236	237	238	INDUSTRIAL	68
				SOUTH	240	241	242	COMMERCIAL	69
				WEST	244	245	246	RESIDENTIAL	70
				SOUTH	248	249	250	NON-RESIDENTIAL	71
				WEST	252	253	254	INDUSTRIAL	72
				SOUTH	256	257	258	COMMERCIAL	73
				WEST	260	261	262	RESIDENTIAL	74
				SOUTH	264	265	266	NON-RESIDENTIAL	75
				WEST	268	269	270	INDUSTRIAL	76
				SOUTH	272	273	274	COMMERCIAL	77
				WEST	276	277	278	RESIDENTIAL	78
				SOUTH	280	281	282	NON-RESIDENTIAL	79
				WEST	284	285	286	INDUSTRIAL	80
				SOUTH	288	289	290	COMMERCIAL	81
				WEST	292	293	294	RESIDENTIAL	82
				SOUTH	296	297	298	NON-RESIDENTIAL	83
				WEST	300	301	302	INDUSTRIAL	84
				SOUTH	304	305	306	COMMERCIAL	85
				WEST	308	309	310	RESIDENTIAL	86
				SOUTH	312	313	314	NON-RESIDENTIAL	87
				WEST	316	317	318	INDUSTRIAL	88
				SOUTH	320	321	322	COMMERCIAL	89
				WEST	324	325	326	RESIDENTIAL	90
				SOUTH	328	329	330	NON-RESIDENTIAL	91
				WEST	332	333	334	INDUSTRIAL	92
				SOUTH	336	337	338	COMMERCIAL	93
				WEST	340	341	342	RESIDENTIAL	94
				SOUTH	344	345	346	NON-RESIDENTIAL	95
				WEST	348	349	350	INDUSTRIAL	96
				SOUTH	352	353	354	COMMERCIAL	97
				WEST	356	357	358	RESIDENTIAL	98
				SOUTH	360	361	362	NON-RESIDENTIAL	99
				WEST	364	365	366	INDUSTRIAL	100
				SOUTH	368	369	370	COMMERCIAL	101
				WEST	372	373	374	RESIDENTIAL	102
				SOUTH	376	377	378	NON-RESIDENTIAL	103
				WEST	380	381	382	INDUSTRIAL	104
				SOUTH	384	385	386	COMMERCIAL	105
				WEST	388	389	390	RESIDENTIAL	106
				SOUTH	392	393	394	NON-RESIDENTIAL	107
				WEST	396	397	398	INDUSTRIAL	108
				SOUTH	400	401	402	COMMERCIAL	109
				WEST	404	405	406	RESIDENTIAL	110
				SOUTH	408	409	410	NON-RESIDENTIAL	111
				WEST	412	413	414	INDUSTRIAL	112
				SOUTH	416	417	418	COMMERCIAL	113
				WEST	420	421	422	RESIDENTIAL	114
				SOUTH	424	425	426	NON-RESIDENTIAL	115
				WEST	428	429	430	INDUSTRIAL	116
				SOUTH	432	433	434	COMMERCIAL	117
				WEST	436	437	438	RESIDENTIAL	118
				SOUTH	440	441	442	NON-RESIDENTIAL	119
				WEST	444	445	446	INDUSTRIAL	120
				SOUTH	448	449	450	COMMERCIAL	121
				WEST	452	453	454	RESIDENTIAL	122
				SOUTH	456	457	458	NON-RESIDENTIAL	123
				WEST	460	461	462	INDUSTRIAL	124
				SOUTH	464	465	466	COMMERCIAL	125
				WEST	468	469	470	RESIDENTIAL	126
				SOUTH	472	473	474	NON-RESIDENTIAL	127
				WEST	476	477	478	INDUSTRIAL	128
				SOUTH	480	481	482	COMMERCIAL	129
				WEST	484	485	486	RESIDENTIAL	130
				SOUTH	488	489	490	NON-RESIDENTIAL	131
				WEST	492	493	494	INDUSTRIAL	132
				SOUTH	496	497	498	COMMERCIAL	133
				WEST	500	501	502	RESIDENTIAL	134
				SOUTH	504	505	506	NON-RESIDENTIAL	135
				WEST	508	509	510	INDUSTRIAL	136
				SOUTH	512	513	514	COMMERCIAL	137
				WEST	516	517	518	RESIDENTIAL	138
				SOUTH	520	521	522	NON-RESIDENTIAL	139
				WEST	524	525	526	INDUSTRIAL	140
				SOUTH	528	529	530	COMMERCIAL	141
				WEST	532	533	534	RESIDENTIAL	142
				SOUTH	536	537	538	NON-RESIDENTIAL	143
				WEST	540	541	542	INDUSTRIAL	144
				SOUTH	544	545	546	COMMERCIAL	145
				WEST	548	549	550	RESIDENTIAL	146
				SOUTH	552	553	554	NON-RESIDENTIAL	147
				WEST	556	557	558	INDUSTRIAL	148
				SOUTH	560	561	562	COMMERCIAL	149
				WEST	564	565	566	RESIDENTIAL	150
				SOUTH	568	569	570</td		